

DECLARATION OF MARK C. RATHBUN

I, Mark C. Rathbun, hereby declare:

1. I am the President of the Religious Technology Center ("RTC"). RTC has the responsibility of ensuring that the nature and quality of the services and products associated with the religion of Scientology and with its technologies of spiritual counselling, ethics and administration are properly applied in accordance with the standards set forth by the Founder of the Religion, L. Ron Hubbard. I have personal knowledge of the facts set forth below, and if called upon to do so, I could and would competently testify thereto.

2. In addition to my corporate position as President of RTC, I also hold the ecclesiastical position of Inspector General for Ethics. The function of that position is to ensure the standard application of the ethics technology of the Scientology religion. I am responsible for ensuring that the ethical standards of Scientology are observed to the letter. My life is dedicated to the support and preservation of the Scientology religion and its scripture, which consists of the religious writings of Mr. Hubbard.

3. I am familiar with this litigation and the outrageous accusations introduced against the Church of Scientology under the guise of an explanation of Armstrong's "state of mind." Armstrong was thus permitted to introduce evidence which twisted and perverted the facts about his former religion and its system of ethics and justice one hundred and eighty degrees from the truth. In fact, Scientologists, as a group, comprise

the most ethical people, following the highest ethical standards, of any group in the world today.

4. At trial, the Church of Scientology of California was effectively prevented from placing into the record the overwhelming evidence of Scientology's emphasis on honesty and integrity, or from demonstrating to the Court the truth about its system of ethics and justice which its parishioners prize so highly. The trial court erred when it accepted, as has this Court, Armstrong's evidence concerning his alleged "state of mind" and then used that evidence to support findings of fact as though such supposed evidence had been admitted for the truth of the assertions. Consequently, the false accusations leveled by Amrstrong were never answered, as they could have been, with a resounding demonstration by the Church of the standards of ethical conduct that are required of each and every Scientologist and of the developments of L. Ron Hubbard which led to the creation of an ecclesiastical ethics and justice system that is honest, ethical and fair. This declaration is an attempt to demonstrate to this Court just a fraction of the evidence that the Church would have supplied to the Court below, had it been allowed to do so, to prevent the reliance by that Court and now this Court on the distorted picture of Scientology created by Armstrong.

5. Armstrong spent a considerable time at trial asserting that an alleged practice of "fair game" made him fearful, and that this fear was a justification for his theft of documents. Armstrong's use and description of the term "fair game," and his allegations of fear concerning it, are entirely belied by

Church scripture, doctrine and essential philosophy. "Fair game" was a term used in the Church for a short while in the 1960's. By the time Armstrong first entered the Church, the term was no longer used, and the policy referring to it had been expressly cancelled.

6. As used for this brief time within the Church, "fair game" had not even the slightest resemblance to the wild accusations made by Armstrong. It meant simply that an individual so labelled was not entitled to the protection of the Scientology system of justice. In this regard it is similar to the Old English concept of "outlaw" which was "one who is put out of the protection or aid of the law." (Black's Law Dictionary, Rev. Fourth Edition, pg. 1255).

7. The Scientology ethics and justice system is a privilege and benefit for Scientologists. Scientologists can and do avail themselves of the Scientology ethics and justice system as it is inexpensive, swift, sane, accurate and based solely on getting to the truth. One is judged by a committee of his peers whose only task is to get to the truth of disputes between Scientologists. Scientology justice committees do not punish, they only get to the truth and attempt to rectify injustices. The system is based on trust, and because Scientology is predicated on truth and honesty, no Scientologist in good standing would even think of lying in such a proceeding or attempt to derail and misdirect a proceeding through false and inflammatory testimony such as one sees in civil cases in every courthouse.

8. One of the fundamental discoveries of L. Ron Hubbard

is that man is basically good. As an individual becomes more aware and able through the application of Scientology religious technology, he becomes more honest, ethical, and interested in helping others. This is why Scientologists become the most valued members of society as they advance in Scientology.

L. Ron Hubbard developed a system of ethics and justice which is based on this bedrock principle. The Scientology ethics and justice system is built on the premise that honesty and integrity are essential to happiness and survival.

9. Scientologists consider this ethics and justice system a major benefit derived from membership in the Church. To expel a person from Church membership and thereby withdraw the protection and availability of the Church's ethics and justice system is the harshest penalty in the Scientology religion. Even then, however, because Scientologists believe that man is basically good, the door is always left open for that person to return to Church membership.

10. The reference to a person being "fair game" is a direct reference to what individuals who cannot have access to the Scientology justice system are likely to receive at the hands of the justice systems extant in society. Compared to Scientology ethics and justice procedures, lay justice proceedings are, in fact, barbaric.

11. Contrary to the allegations made by Armstrong throughout the trial of this case and repeated unquestioningly by Judge Breckenridge, the basic values of honesty and integrity are the bedrock upon which Scientologists build their

lives and upon which any individual must so build if he is to live happily and in harmony with his fellows.

12. The scriptures of Scientology are replete with admonitions to its adherents to build their lives on the foundations of honesty and integrity. As Mr. Hubbard stated in a technical bulletin titled " Auditor's^{1/} Rights Modified," written in 1972: "The road to truth is begun with honesty." ^{2/} This is a road that all Scientologists, by definition, consider that they are following.

13. Mr. Hubbard's injunction to be truthful covers all aspects of an individual's and organization's activities. For example, he laid down a firm rule for Church of Scientology staff in official dealings: "Never use lies." ("The Missing Ingredient", [August 13, 1970]). In a policy directive entitled, "Safe Ground" (October 27, 1974), Mr. Hubbard reiterated this point: "1. NEVER SAY OR PUBLISH ANYTHING YOU CANNOT PROVE OR DOCUMENT; 2. ALWAYS DOCUMENT THE TRUTH TO OPPOSE LIES."

14. The value of truth and honesty in one's dealing with others goes much deeper than mere pragmatism. Honest and ethical behavior enhance the well-being of an individual and a group; dishonesty and unethical acts degrade a person and an

1) An "auditor" is a Scientology minister who counsels parishioners. The term is derived from a Latin term meaning one who listens.

2) Due to space limitations, copies of the writings of L. Ron Hubbard referred to herein are not attached, but can be supplied to this Court upon request.

organization. In a book originally published in 1951, Mr. Hubbard explained why maintaining high ethical standards is so important, not just to Scientologists, but to everyone:

Thus, dishonest conduct is nonsurvival. . . . The keeping of one's word, when it has been sacredly pledged, is an act of survival, since one is then trusted, but only so long as one keeps one's word.

To the weak, to the cowardly, to the reprehensibly irrational, dishonesty and underhanded dealings, the harming of others and the blighting of their hopes seem to be the only way of conducting life. Unethical conduct is actually the conduct of destruction and fear; lies are told because one is afraid of the consequences should one tell the truth; thus, the liar is inevitably a coward, the coward is inevitably a liar.

L. Ron Hubbard, Science of Survival, at 142-143 (1989 Ed.).

15. The subject of honesty and ethical behavior permeated Mr. Hubbard's writings throughout the years. In a 1960 issue entitled "Honest People Have Rights, Too," Mr. Hubbard stated:

Individual rights were not originated to protect criminals but to bring freedom to honest men. Into this area of protection then dived those who needed "freedom" and "individual liberty" to cover their own questionable activities.

Freedom is for honest people. No man who is not himself honest can be free--he is his own trap. When his own deeds cannot be disclosed then he is a prisoner; he must withhold himself from his fellows and is a slave to his own conscience. Freedom must be deserved before any freedom is possible.

* * *

Freedom for Man does not mean freedom to injure Man. Freedom of speech does not mean freedom to harm by lies. To preserve that freedom one must not permit men to hide their evil intentions under the protection of that freedom. To be free a man must be honest with himself and with his fellows. If a man uses his own honesty to protest the unmasking of dishonesty, then that man is an enemy of his own freedom.

Mr. Hubbard ended this bulletin with the reminder that:

"On the day when we can fully trust each other, there will be peace on Earth. Don't stand in the road of that freedom. Be free, yourself."

Id.

16. An entire book was compiled from Mr. Hubbard's writings dedicated to the subject of ethics, entitled Introduction to Scientology Ethics. The book is replete with basic truths on this subject which cannot be fully discussed in this limited space. The following statements are representative of the concepts which it contains:

The man who lies, the woman who cheats on her husband, the teenager who takes drugs, the politician who is involved in dishonest dealings, all are cutting their own throats.

* * *

It may come as a surprise to you, but a clean heart and clean hands are the only way to achieve happiness and survival. The criminal will never make it unless he reforms; the liar will never be happy or satisfied with himself until he begins dealing in truth.

L. Ron Hubbard, Introduction to Scientology Ethics, at 29 (1989 Ed.).

17. What Scientologists hope to achieve through living ethical, honest lives and showing respect for their fellow man is quite simple: happiness. Albeit simple and indeed a basic desire amongst all men, few know the requisites to true happiness as well as a Scientologist.

As for ideals, as for honesty, as for one's love of one's fellow man, one cannot find good survival for one or for many where these things are absent.

* * *

A man who is known to be honest is awarded survival-- good jobs, good friends. And the man who has ideals-- no matter how thoroughly he may be persuaded to desert them, survives well only so long as he is true to those ideals.

(Introduction to Scientology Ethics, at 23)

18. In a bulletin from 1961 entitled, "Clean Hands Make a Happy Life", Mr. Hubbard underscored the basic problem behind the lack of human happiness:

For the first time in the soggy stream that's history to the human race, its possible that happiness exists....

What has made all Man a pauper in his happiness?

Transgressions against the mores of his race, his group, his family! ...

And as we wander on, transgressing more, agreeing to new mores and then transgressing those, we come into that sunless place, the prison of our tears and sighs and might-have-beens, unhappiness.

* * *

All Mankind lives and each man strives by codes of conduct mutually agreed. ...

But now against that codes there is transgression. And so because the code was held, whatever code it was, and Man sought comfort in Man's company, he held back his deed and so entered then the bourne in which no being laughs or has a freedom in his heart.

So down the curtains come across the brightness of the day and dull-faced clouds enmist all pleasant circumstances. For one has evilly transgressed and may not speak of it for fear all happiness will die.

19. With direct regard to the subject of spiritual progress in the Scientology religion, also referred to as "case gain," Mr. Hubbard wrote a bulletin in 1985 called

"Honesty and Case Gain." In that Bulletin, he stated:

Thus, one can bar his own way up the Bridge^{3/} by dishonesty.

I always feel a bit sad when I see somebody doing himself in this way. It is so pointless.

Another of his writings on this subject matter is a book entitled, The Way to Happiness. This book has been the source of a grass roots movement to improve life in the world by providing non-denominational, common sense, moral principles for this modern time. The book is divided into different precepts, with titles such as "Be Worthy of Trust," "Fulfill Your Obligations," "Do Not Steal," "Respect the Religious Beliefs of Others," "Don't Do Anything Illegal," and "Seek to Live With the Truth." A few brief excerpts will show its teachings:

Be Worthy of Trust.

Unless one can have confidence in the reliability of those about one, he, himself, is at risk. When those he counts upon let him down, his own life can become disordered and even his own survival can be put at risk.

Mutual trust is the firmest building block in human relationships. Without it, the whole structure comes down.

* * *

When one gives an assurance or promise or makes a sworn intention, one must make it come true. If one says he is going to do something, he should do it.

If he says he is not going to do something, he should not do it. ...

3) The Bridge is the term which is used to describe the series of gradient steps of spiritual awareness which one achieves in the Scientology religion.

People who keep their word are trusted and admired.
People who do not are regarded like garbage. Those
who break their word often never get another chance.

A person who does not keep his word can soon find
himself entangled and trapped in all manner of
"guarantees" and "restrictions" and can even find
himself shut off from normal relations with others.
There is no more thorough self-exile from one's
fellows than to fail to keep one's promises once
made.

(The Way To Happiness, at 191-192; 198-200.)

The honesty of an individual is something that affects those
with whom a person lives and works. As Mr. Hubbard said in
a writing titled "Ethics and Executives," 3 May 1972R,

"Dishonesty, false reports, an out-ethics [i.e.,
unethical] personal life, should all be looked
for and, by persuasion, should be corrected."

Again and again Mr. Hubbard has stressed that dishonesty
in one's dealing with others is harmful not only to the other
individual, but to one's self:

The ruin of another's life can wreck one's own.
Society reacts -- the prisons and the insane asylums
are stuffed with people who harmed their fellows.
But there are other penalties: whether one is caught
or not, committing harmful acts against others,
particularly when hidden, can cause one to suffer
severe changes in his attitudes toward others and
himself, all of them unhappy ones. The happiness
and joy of life depart.

(The Way To Happiness, at 322 - 324.)

20. This standard is not limited to simply those with
whom a person works with directly but in fact all those with
whom one may come in contact in the community and within
society:

A country has laws and regulations to
coordinate its activities.

One does NOT seek to get around these or avoid

these or find loopholes in them. This is
COMPLICATED AND DISHONEST.

It is MUCH simpler just to know and obey
them.

"Regulations and Laws, Obedience To," 27 October 1973.

21. In a writing issued in 1980 entitled, "Ethics,
Justice, and the Dynamics,"^{4/}, L. Ron Hubbard wrote:

Years ago I discovered and proved that man is
basically good. This means that the basic
personality and the basic intentions of the
individual, toward himself and others are good.

When a person finds himself committing too
many harmful acts against the dynamics, he becomes
his own executioner. This gives us the proof that
man is basically good. When he finds himself
committing too many evils, then, causatively,
unconsciously or unwittingly, man puts ethics in on
himself by destroying himself; and he does himself
in without assistance from anybody else.

This is why the criminal leaves clues on the
scene, why people develop strange incapacitating
illnesses and why they cause themselves accidents
and even decide to have an accident. When they
violate their own ethics, they begin to decay. They
do this all on their own, without anybody else doing
anything.

4) L. Ron Hubbard's most fundamental discovery was the
discovery that whatever else they were doing, all life was
seeking to survive. Survival is the common denominator of all
life. The basic urge to survive manifests itself in different
ways. These ways have been divided into eight parts, or
"dynamics". Each of these dynamics is interdependent on the
others. Each of us is striving to survive along or through
these subdivisions of the basic urge to survive: 1) the urge to
survive as an individual; 2) the urge to survive through sex
and the rearing of children; 3) the urge to survive through
groups; 4) the urge to survive as mankind, 5) the urge to
survive through living things, i.e., animals or plants; 6) the
urge to survive through the physical universe (matter, energy,
space and time [mest -- the physical universe]); 7) the urge to
survive through the spiritual universe; and 8) the urge to
survive through God, or the infinite.

22. The teachings of Mr. Hubbard are unequivocal on this point. The commission of dishonesties, of harmful acts against another is the road to personal destruction, to the loss of awareness, the loss of abilities, to personal unhappiness and the destruction of positive interpersonal relationships. Only the litigants who, due to their own harmful acts, have already travelled down this route or those who, through misinformation or ignorance know no better, would advance or believe that the scriptures of the Church could support the commission of harmful acts against one's fellow man.

23. In fact, the precise opposite is true. Scientology scriptures detail how it is that harmful acts against one's fellows bring about the loss of integrity and decrease one's ability to handle life successfully. The mechanism at work here was presented by Mr. Hubbard in 1968:

There was an important discovery made in 1952 . . . which did not get included in "Book One," Dianetics: The Modern Science of Mental Health.

This was the "overt-motivator sequence. . ."

AN OVERT, in Dianetics and Scientology, is an aggressive or destructive ACT by the individual against one or another of the eight dynamics (self, family, group, mankind, animals or plants, mest, life or the infinite).

A MOTIVATOR is an aggressive or destructive act received by the person or one of the dynamics.

The viewpoint from which the act is viewed resolves whether the act is an overt or a motivator.

The reason it is called a "motivator" is because it tends to prompt that one pays it back -- it "motivates" a new overt.

When one has done something bad to someone or something, one tends to believe it must have been "motivated."

Bulletin of 20 May 1968, "Overt-Motivator Sequence."

Thus, an individual who commits harmful acts against himself, another, the social order and so forth, grows invariably at odds with the person or institution whom he has attacked.

24. Mr. Hubbard explained this phenomena further in a lecture given to Scientology ministerial students:

[M]an is basically good, despite his reactive bank.⁵ The reactive bank is only composed to make a man commit overts, which is against his better nature. If he commits these overts, therefore, he'll trap himself because he won't go on communicating, having committed them. So it's the perfect trap. You do not want to talk to people you have wronged. ... They commit an overt act, don't you see, and then they will try to withhold and sever the communication line for fear that they will commit another overt act. That actually is the fundamental think of man.

Tape Lecture of July 2, 1964, "O/W Modernized and Reviewed."

25. The path one trods when he commits harmful acts is the road to oblivion. It is the descent not only into despair and destroyed relationships; it is also the way to personal degradation and criminality. "A criminal is one who is motivated by evil intentions and who has committed so many harmful overt acts that he considers such activities ordinary." (Bulletin of 15 September 1981, "The Criminal Mind,") The desperate straits to which the criminal has descended have been clearly described by Mr. Hubbard:

5) The "bank" is a slang term referring to a person's "reactive bank", that portion of a person's mind wherein all painful experience is stored below a person's awareness. The reactive mind is a stimulus-response unconscious mind which can exercise control over the individual without that person's awareness.

It is a mind like any other mind but it has gone wrong. It is motivated by evil intentions which, even if idiotic, are greater than the possessor's ability to reason. The criminal, even when he seems most clever, is really very, very stupid. The evil intentions get dramatized by senseless overt acts which are then withheld, and the final result is a person who is more dead than alive and who faces a future so agonizing that any person would shudder at it. The criminal, in fact, has forfeited his life and any meaning to it even when he remains "uncaught" and "unpunished," for in the long run, he has caught himself and punishes himself for all eternity. No common judge can give a sentence as stiff as that. They know down deep that this is true and that is why they scream with such ferocity that men have no souls. They can't confront the smallest part of what awaits them.

When you understand what the criminal mind consists of, you can also understand how ghastly must be the feelings or lack of them with which the criminal has to live within himself and for all his days forever. He is more to be pitied than punished....

THE CRIMINAL, NO MATTER WHAT HARM HE IS DOING TO OTHERS, IS ALSO SEEKING TO DESTROY HIMSELF. HE IS IN PROTEST AGAINST HIS OWN SURVIVAL.

Id.

26. The individual, having descended away from personal honesty and integrity, down the dwindling spiral of the overt-motivator sequence, to the depths of criminality described by Mr. Hubbard in the attached bulletin arrives at a point, where they are totally consumed by their criminality. A person at this point sees all life as having the same sordid motives he does. Of such an individual, Mr. Hubbard wrote:

THE CRIMINAL ACCUSES OTHERS OF THINGS WHICH HE HIMSELF IS DOING.

* * *

THE CRIMINAL MIND RELENTLESSLY SEEKS TO DESTROY ANYONE IT IMAGINES MIGHT EXPOSE IT.

* * *

THE CRIMINAL ONLY SEES OTHERS AS HE HIMSELF IS.

Id.

27. The entire thrust of the training, auditing, ethics and justice technologies of the Scientology religion is to improve the spiritual well-being of the individual and to make him more able so that he is able to assist others to attain greater spiritual awareness. Of all of the religions in the world, Scientology is unique in the degree it places emphasis upon the value of self-determined right conduct, honesty and personal integrity. The scriptures, however, do far more than simply warn of the consequences of evil ways. They also set forth techniques for the eradication of the harmful effects of past transgressions and the rehabilitation of an individual's personal integrity and abilities. Confessional counselling sessions are standardly provided to Scientologists in order to help them unburden themselves of past transgressions. Through such counselling the individual Scientologist is made more able and is brought to levels of increased affinity and responsibility.

28. The ethics and justice system of Scientology, then, has honesty and integrity as its underpinnings. As a subject, ethics consists simply of the actions taken by an individual on himself to improve his survival. Through Scientology ethics a person is taught not a rote series of do's and don't's, but tools which he can use to make ethical and moral choices and decisions.

29. In a policy letter of 12 July 1980 later revised on 5 November 1982, entitled "The Basics of Ethics," Mr. Hubbard

wrote of the unfortunate state a person finds himself in when he is unable to ethically deal with his daily life:

The individual who lacks any ethics technology is unable to put in ethics on himself and restrains himself from contrasurvival actions, so he caves himself in. And the individual is not going to come alive unless he gets hold of the basic tech of ethics and applies it to himself and others.

30. The basic ethics technology discovered by L. Ron Hubbard is found in the ethics conditions and their formulas. These are described in the book, Introduction to Scientology Ethics.

The basic tools used to get and keep ethics in are the ethics conditions and their formulas.

An organization or its parts or an individual passes through various states of existence. These, if not handled properly, bring about shrinkage and misery and worry and death. If handled properly they bring about stability, expansion, influence and well-being.

* * *

The different conditions formulas make up a SCALE which shows the condition or state, which is to say the degree of success or survival of an individual...

(Introduction to Scientology Ethics, at 37-38.)

31. The ethics conditions are: Confusion, Treason, Enemy, Doubt, Liability, Non-Existence, Danger, Emergency, Normal Operation, Affluence, Power, Power Change. Each condition carries with it a series of steps to follow, called formulas, which result in improvement up the rising scale of conditions. The application of the specific formulas for each condition are a basic tool which Scientologists use to live happier, more successful lives. Each condition describes a

level of survival in which an individual, business or other activity can be located at any given moment. Mr. Hubbard has laid out an exact formula, or set of steps, for each condition, which, if correctly followed, will result in the attainment of a higher condition. For example, both a new marriage and a new business start out in a condition of "non-existence" and to succeed, must follow the formula steps of getting in communication with one's partner or potential customers, finding out what is needed from that person, and providing that. Whether one is doing well, poorly, or just getting by, there is a condition formula which applies. (For a full description of the various ethics conditions and their individual formulas, see Introduction to Scientology Ethics, pp. 56-104.) Through the use of the correct formula, one is able to improve how he or she is doing.

32. Condition formulas are used to handle all types of situations, favorable and unfavorable, alike. For example, if one made a bad error on one's job, he could use an ethics condition, such as the Liability formula, as a guide to getting back on top of the situation -- perhaps saving his job in the process. And if one were doing very well in some area in life, the Affluence formula would provide steps to help isolate the important points of one's success and reinforce those.

33. Scientology also has an ecclesiastical justice system. Justice is applied in Scientology when an individual fails to apply the tools of ethics to correct his own unethical activities, and is causing problems for others.

34. The Scientology justice system has as its basic

premise that justice is to be used only so long as it is necessary to restore the individual to self-determined ethical conduct. It does not have punishment as a goal; rather, the purpose is to rehabilitate the individual's ability to use and apply the ethics technology. For this reason, the justice system is a gradient one, consisting of a whole series of actions which might be taken in an appropriate case to ensure that ethical conduct is restored.

35. These gradient steps are specified in a writing of Mr. Hubbard dated 29 April 1965, entitled "Ethics Review." The various tools are laid out in a progression of lightest to most severe, ranging from actions such as "noticing something non-optimum and commenting on it to the person," to the severest discipline in the Scientology religion: "expulsion from Scientology." None of the gradients carries with it physical punishment of any kind.

36. L. Ron Hubbard has stressed that the lightest forms of these levels are to be used first, and only increased as necessary to help the person:

Scientology Ethics are so powerful in effect
... that a little goes a very long ways.

Try to use the lightest form first.

Id.

37. The Scientology justice system also provides ecclesiastical fact-finding bodies and formal justice actions which help determine the appropriate way to deal with a Scientologist who has been causing difficulty for other Scientologists. The first of these is an "ethics hearing."

Such a hearing consists of a meeting of the accused with a "hearing officer." This is a fact-finding body; the accused is presented with the written accusations, is given the opportunity to question the people who have made the accusations, if necessary, and is given the opportunity to explain fully his own side of the story. The hearing officer then makes a recommendation as to how the situation should be handled.

38. If it is established by verified evidence in an ethics hearing that the person has been involved in some violations of Scientology codes or procedures, a "Court of Ethics" may be convened. The purpose of the Court is to determine what discipline should be imposed for the wrong-doing. For example, if a staff member is continually late for or absent from his assigned duties, he might be called before such a court and might be assigned a short, special project to clean the slate for the problems he has caused. Such an action would bring home to him that he is expected to appear for work on time and should regulate his actions accordingly. (See, policy letter of 26 May 65, Issue III, "Courts of Ethics,").

39. The most serious type of justice action is a Committee of Evidence. This is "a fact-finding body composed of impartial persons properly convened by a convening authority which hears evidence from persons it calls before it, arrives at a finding and makes a full report and recommendation to its convening authority for his or her action." (Policy letter of 27 March 1965, "The Justice of Scientology -- its Use

and Purpose.) The individual or individuals who are the subject of the Committee of Evidence are present at all times when evidence is presented and are given the opportunity to examine all witnesses. Once the Committee has determined the facts of the matter, it makes its recommendation to the "convening authority" who then reviews all the evidence and recommendations and accepts, or modifies the Committee's findings and recommendations. The protection which committees of evidence provide for Scientologists from possible arbitrary sanctions or sanctions arising out of momentary upset is substantial. Thus, for example, staff members may not be suspended, demoted, or improperly transferred to another job without a committee of evidence. (Id.)

40. Scientologists can and frequently do avail themselves of the Scientology justice system as it is free, swift, sane, accurate and based solely on getting to the truth.

41. The value of a committee of evidence was described by Mr. Hubbard in 1965 in a policy letter entitled "The Justice of Scientology -- Its Use and Purpose; Being a Scientologist":

Committees of Evidence work. I recall one Tech[nical] Director [Church executive in charge of administering the delivery of Church services according to the scriptures or "Tech"] accused of tampering with a student. I was told he was about to be disciplined and sacked. I stopped that action and had a Committee of Evidence convened. Accurate testimony revealed the story false and the Tech Director innocent. Without that committee he would have been ruined. I know of other instances where a committee found the facts completely contrary to rumor. Some are guilty, most are innocent. But thereby we have justice and our necks aren't out. If a person is to keep the law, he or she must know what the law is. And must be protected from viciousness and caprice in the name of law. If a person doesn't keep the law, knowing well what it

is, he or she hurts all of us and should be handled. Our justice really rehabilitates in the long run. It only disciplines those who are hurting others and gives them a way to change so they can eventually win too -- but not by hurting us.

42. As set forth above, the ultimate penalty under the justice codes of the Church of Scientology is expulsion from the Church. Mr. Hubbard wrote in a 1965 policy letter that to withdraw the protection and availability of the Scientology justice system is the harshest penalty in that system; and that is the effect of expulsion. Yet, even a person who has been declared to be a suppressive and has been expelled from the Church, however, is still afforded an opportunity to redeem himself and to return to good standing. To do so, the person must follow a simple, five step, procedure: (A) "cease all attacks and suppressions so he, she or they can get a case gain"; (B) make "a public announcement to the effect that they realize their actions were ignorant and unfounded"; (B-1) paying off all debts owed to any Scientology organizations; (B-2) complete an approved amends project; (C) training from the lowest level; (D) providing copies of the above steps to the ethics officer who is dealing with him; and (E) providing a similar copy to the International Justice Chief of the Church. "Suppressive Acts, Suppression of Scientology and Scientologists", 8 January 1981.

43. The writings of L. Ron Hubbard are very clear on the point that even an expelled person may turn around and re-enter the Church. In "Expansion Theory of Policy", 4 December 1966 regarding expulsion from the Church, he wrote:

Further, one must leave at least a crack in the door and never close it with a crash on anyone because a demand factor may still develop there. ... One must always leave a crack open. The suppressive can recant and apologize.

44. Finally, because of their adherence to a strict standard of ethics, Scientologists have a great respect for the law. As Mr. Hubbard wrote in The Way To Happiness:

"Adhere to the principal that all men are equal under law: a principal which, in its own time and place -- the tyrannical days of aristocracy -- was one of the greatest social advances in human history and should not be lost sight of.

"See the children and people become informed of what is 'legal and 'illegal' and make it known, if by as little as a frown, that you do not approve of 'illegal acts.'

"Those who commit them, even when they 'get away with them,' are yet weakened before the might of the state."

(Id., pp. 100 - 101)

45. The selections presented above are but a small portion of the hundreds of pages which Mr. Hubbard has written on the subject of Ethics and Justice, all of which is in full use and application in Churches of Scientology around the globe. As the cited materials make clear, the undeviating emphasis throughout this vast literature is that one must maintain a very high standard of ethics, that one must treat one's fellow man with dignity and respect and that one must obey the laws and act in harmony with the codes of the society. Moreover, the Scientology scriptures themselves are comprised of over 50 million words which L. Ron Hubbard wrote on the subject of the religion of Scientology. And throughout all of this material, whether dealing with techniques of counselling or with the ultimate abilities and

nature of the spiritual being that is the individual, Mr. Hubbard has written from the premise that truth, integrity, honesty and fair dealing with one's fellows, with groups and races and with each of the dynamics, is the road to survival. This is a standard which never waivers in the Church of Scientology. And this is the reason that Scientologists are the most ethical people you are likely to ever meet.

46. Seen in this context -- a context which never could be presented to Judge Breckenridge in the underlying case -- Armstrong's assertions are patently absurd and unbelievable. Armstrong attempted to take one line from a 1965 issue and to assert that this cancelled issue, which he deliberately misinterpreted to suit his own purposes, carries more weight than the thousands upon thousands of pages by Mr. Hubbard which directly and unequivocally state the exact opposite of Armstrong's interpretation. Armstrong knew that the "fair game" issue was cancelled by Mr. Hubbard in 1968, before Armstrong was first exposed to the religion of Scientology. When Mr. Hubbard learned that the line was open to misinterpretation by those not versed in Church scripture, he immediately cancelled it for that reason. The Church has always been ready to accept a reformed suppressive person back into the Church. Mr. Hubbard's writings are clear on this. The expelled individual is simply denied recourse to the Church's internal justice procedures for the resolution of his disputes with Scientologists in good standing. The door is always "left open a crack", as anyone is capable of reform. It has always been and will remain the intention of the Church

staff to bring increased well-being and spiritual awareness to all individuals on this planet. That is what the religion and the Church of Scientology are about.

47. Armstrong stands as an apostate who has found a single mistranslated line that never made it into an edition of the Bible. An apostate who, on the basis of this non-existent piece of scripture, is attempting to allege that all of Christianity is built upon a false premise and that all the teachings of Jesus and his disciples are mere coverings for the one line of alleged "scripture" which he feels "tells it all". The Court would surely recognize the absurdity of this position and would never permit the apostate to claim that his theft of sacred religious documents was warranted by his "state of mind". Yet this is an exact parallel to the situation which occurred at the Armstrong trial and which was countenanced by Judge Breckenridge and, so far, by this Court. Moreover, Armstrong well knows that it is a fundamental tenet of the Church that Church policy must be in writing to be valid ("in Scientology we say, 'if it isn't written, it isn't true.'"["The Hidden Data Line, 16 April 1965] The term "fair game" is not in the writings of the Church and is not Church policy. All valid and enforceable Church policy is published and available to parishioners. The "fair game" policy has not been published since its cancellation prior to Armstrong joining the Church and is not published in any current volumes of Scientology writings, and indeed was never published in any edition of any of the Scientology policy volumes. It is not something that is open to interpretation by Armstrong, Judge Breckenridge, or anyone else. It does not exist.

48. Now the Court has the heretofore missing data about the nature and weight of Scientology scriptures. Now the indefensible nature of Armstrong's "state of mind" defense is clear. And further, now it is clear that Armstrong's asserted defense has forced the Court into the role of interpreter of the true meaning of Scientology scriptures, a role which is anathema to the First Amendment. Church scriptures are straight-forward on this matter: Church members and Church organizations are expected to (and do) maintain the highest standards of ethical behavior in their dealings with their fellow men and with the institutions of our society.

49. Mr. Hubbard cared deeply for mankind and dedicated his life and his work to doing what he could to make life better -- and happier -- for all mankind. It is this care and dedication which is carried on by Scientologists the world over, and their own happiness and that of those around them reflect just that. Mr. Hubbard expressed the purpose underlying his work in an article entitled, The Aims of Scientology:

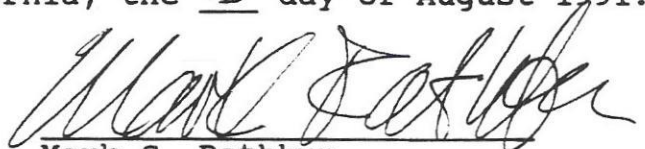
A civilization without insanity, without criminals and without war, where the able can prosper and honest beings can have rights, and where man is free to rise to greater heights, are the aims of Scientology.

50. The truth regarding the Church of Scientology is clear. These are the true facts about the ethics and justice systems of the Church and the values which the writings of L. Ron Hubbard advance. These are tools of personal salvation which litigants against the Church violently malign and impugn. From the blackened depths of their criminal minds, they seek to destroy this hope for mankind through false pictures and wild

allegations which merely reflect their own sordid intentions and actions. Yet, as this small sampling of the scriptures show, the truth is very different. The religion of Scientology places a premium upon ethical behavior; and Scientologists, as a group, are the most ethical people in the world today. In fact, the ethical standards which they maintain are far and above those of any other group.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in the State of California, the 13th day of August 1991.



Mark C. Rathbun